

REMARKS

Restriction Requirement

The Examiner's withdrawal of the Restriction requirement is noted and appreciated.

Drawings

The Examiner's attention is directed to the drawing amendments submitted April 2002. The Examiner is requested to indicate approval of these drawing changes in the next communication. If these papers have been lost by the Office, the Examiner may telephone the undersigned to secure additional copies.

IDS

The Examiner should note that a IDS was filed in this case on May 17, 2004. Consideration of the documents referenced therein is respectfully requested.

Claim Rejections

The Examiner rejects claims 1-31 under §102 as being anticipated by King. Applicant respectfully requests reconsideration in view of the remarks and amendments made herein.

Independent claim 1 has been amended to explicitly require, *inter alia*, that the *mobile terminal* "determine a subset of the position detection assisting devices which are available from which to determine location," and that the "beginning acquisition of position location assistance signals from said subset of the position detection devices"

occur "after said determining by said mobile terminal." These added limitations are supported by the specification and drawings as filed, and do not introduce new matter. For example, attention is directed to page 4, lines 1-3 ("After determining which position detection assisting devices should be visible, the mobile terminal attempts to receive information from the theoretically visible position detection assisting devices.").

As amended, claim 1 requires that the determination of which of the position detection assisting devices are available occur before the initiation of position-related signal acquisition from those devices. Thus, in the simplest of terms, claim 1 requires a sequence of determining before acquisition. In contrast, King plainly describes a process where position-related signal acquisition is initiated, and at least partially successful, before the determination of any subset is attempted. Attention is directed to King col. 12, lines 12-27,¹ which reads in relevant part, "... Pseudo Range (PR) measurements can be determined for the GPS signals of suitable strength in 602. *Following this*, a test in 604 is made to determine if sufficient PR's are available to compute a fix ... If sufficient satellites are available, the available ephemeris data is collected ... If the accuracy is not adequate, however, a determination of which satellite's ephemeris data needs to be upgraded is made in 612, and requests are made for updated ephemeris for only those satellites 614." (King, col. 12, lines 12-27 (emphasis added).) In addition, King col. 12, lines 11-12 indicates that this process is used for all King embodiments when it reads "Note that this step is common across all the protocol combinations." Thus, King teaches that the initiation of acquisition of

¹ The teachings of the passage relied on by the Examiner -- col. 13, line 60 through col. 14, line 29 -- are believed to be, for practical purposes, substantially identical to the col. 12 passages discussed herein. The col. 12 material is cited by Applicant because of the clear discussion that this process is used for all King embodiments.

position assistance signals from the satellites -- which must happen in order for the collection of the pseudo ranges to be tested -- occurs before any determination of which satellites are available. There is no indication in King that the determination of which satellites are available is made before the initiation of signal acquisition from the satellites. Thus, at best, the teachings of King are opposite the sequence that is claimed in claim 1. Accordingly, King cannot anticipate the subject matter of claim 1. Therefore, Applicant submits that independent claim 1, and its dependent claims 2-14, 32, define patentable subject matter over the cited art.

With further regard to new claim 32, this claim depends from claim 1 and adds the limitation that "said requesting contemporary information occurs prior to said beginning acquisition of position location assistance signals from said subset of the position detection devices." This limitation is supported by the specification and drawings as filed, *see, e.g.*, Figure 5, and therefore does not introduce new matter. As is clear from a reading of King col. 12, lines 12-27, the King requesting of ephemeris data occurs only after the beginning of position signal acquisition from the satellites. Thus, King at best teaches *after*, when the claim requires *before*. Accordingly, Applicant submits that claim 32 defines over the cited art, even if claim 1 does not.

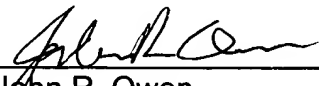
Regarding independent claims 15, 21, 27, and 29, these claims have likewise been amended to require a sequence of determining *before* acquiring. As pointed out above, King teaches determining *after* acquiring. As such, Applicant submits that independent claims 15, 21, 27, 29, and their respective dependent claims 16-20, 22-26, none, and 30-31, define patentable subject matter over the cited art for similar reasons as those expressed above with respect to independent claim 1.

Claim 28 has been canceled, rendering moot further discussion thereof.

In view of the above, Applicant submits that all currently pending claims define over the cited art and are in condition for allowance. However, if any additional issues remain, the Examiner is encouraged to telephone the undersigned so that such issues may be expeditiously resolved and the case moved to allowance.

Respectfully submitted,
COATS & BENNETT, P.L.L.C.

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John R. Owen
Registration No.: 42,055
Telephone: (919) 854-1844